

REMARKS

Applicant respectfully requests non-entry of the amendment previously filed March 5, 2008. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and following remarks.

Status of Claims

Claims 1 and 2 have been amended without the introduction of new matter.

Claim 13 has been newly added; no new matter has been added.

Claims 1-13 are pending in the application, with claims 3-12 having been previously withdrawn from consideration.

Interview Summary

Applicant would like to thank Examiner Legesse for her comments and suggestions in the telephone conversation held March 3, 2008. In the conversation, Examiner Legesse promised Applicant's representative a telephonic Examiner's Interview upon receipt of the after final amendment filed on March 5, 2008.

In a telephone conversation on March 24, 2008, the Examiner indicated that the amendment after final raised new issues that would require further consideration and search. U.S. Patent No. 5,662,530 to Sellar was also discussed.

Amended claim 1 requires two equatorial continuous o-rings. Amended claim 2 requires continuous o-rings in each polar region.

Sellar provides spaced "lands" on the equator and poles. The lands are small circular regions intended to identify the points at which the ball contacts the green and the point at which the putter touches the ball. The purpose of the lands is to prevent skewing of the ball. If continuous lines were used the lands could not be identified and the purpose of the invention would be defeated. Thus, Sellar fails to disclose each and every feature of amended claims 1 and 2.

Claim Objections

The examiner objected to the use of the status identifier “Previously Presented” for claims 3-12. In response, Applicant has changed the status identifiers to “Withdrawn.” Applicant respectfully requests withdrawal of the objection.

§ 102 Rejections

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Pettigrew et al. (U.S. Patent Application No. 2001/036870). Applicant respectfully traverses this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Claim 1 has been amended to include the feature “wherein an axis connecting the polar markings is perpendicular to the equatorial o-rings.” Support for this feature can be found on pages 5-7 of the specification and Figures 1 and 2. In contrast to the claimed invention, Pettigrew teaches a golf ball having a single “substantially circular putt target marking 114 ... situated on the equator of the body 104 between the bands.” (Pettigrew, [0029]). Thus, not only does Pettigrew’s ball have only one “polar” marking, his marking is between the equatorial bands rather than on an axis perpendicular to the bands. For at least these reason, Pettigrew does not anticipate amended claim 1.

§ 103 Rejections

Claims 1 and 2 were rejected as obvious over the combination of Pettigrew (U.S. Patent Application No. 2001/036870) and Inoue [Sic] Koch (U.S. Patent No. 5,013,046). Applicant respectfully traverses this rejection.

Amended claim 1 includes the feature “wherein an axis connecting the polar markings is perpendicular to the equatorial o-rings.” Pettigrew discloses a putt golf ball that includes two equatorial rings and a circular putt target marking between the circular bands. Koch, discloses a golf ball having numerous distinct marking all over the cover of the ball so that it can be identified

Second, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Pettigrew teaches that “the putt target marking 114 is adapted for indicating a point on the putt golf ball 110 to be struck when putting...After the putt golf ball 110 has been struck, the bands 112 indicate any spin associated with the putt golf ball.” (Pettigrew, [0030]). That is, Pettigrew puts a single marking between the bands for a reason – to teach the user proper putting technique. A combination with Koch would result in numerous markings all over the ball which could not be used as intended by Pettigrew. Further, the combined ball of Pettigrew and Koch would have such a large multitude of distinctive spots that it would be extremely difficult or impossible to determine the extent of side spin is imparted to the ball based on the visibility of the polar markings as claimed in the present claims. Because Pettigrew and Koch cannot be properly combined and if combined do not teach or suggested a golf ball with all of the claimed features of claim 1, Pettigrew and Koch do not render claim 1 or any claim that depends on claim 1 obvious. Applicant respectfully requests withdrawal of the rejection.

New claim 13 depends from claim 2 and is allowable for at least this reason as discussed above.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 11, 2008

Respectfully submitted,

By  for
Michael J. Sweedler

Registration No.: 19,937
DARBY & DARBY P.C.

P.O. Box 770
Church Street Station
New York, New York 10008-0770
(202) 639-7514
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

Louis DelTorres
47,522